

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JOHN RUSSELL GATES,)
Plaintiff,) Civil Action No. 2: 14-cv-01595
v.) United States District Judge
MARK CAPOZZA, Warden and THE) Nora Barry Fischer
ATTORNEY GENERAL OF THE STATE)
OF PENNSYLVANIA,)
Defendants.)

MEMORANDUM ORDER

Before the Court is the Report and Recommendation of Magistrate Judge Cynthia Reed Eddy recommending that this action be transferred to the United States District Court for the Middle District of Pennsylvania, the situs of Petitioner's state court criminal trial. Petitioner was served with the Report and Recommendation and informed that he had until December 12, 2014, to file written objections.

On December 8, 2014, Petitioner notified the Court that he consented to the transfer of this case to the Middle District of Pennsylvania (ECF No. 3).

Accordingly, after *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation and the Consent of the Petitioner, the following order is entered.

AND NOW, this 9th day of December, 2014,

IT IS HEREBY ORDERED that this case is **TRANSFERRED** forthwith to the Middle District of Pennsylvania, the situs of Petitioner's state court criminal trial.

IT IS FURTHER ORDERED that the Report and Recommendation (ECF No. 2) is **ADOPTED** as the opinion of the Court.

By the Court:

s/Nora Barry Fischer
Nora Barry Fischer
United States District Judge

cc: JOHN RUSSELL GATES
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SCI Pittsburgh
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(Via First Class Mail)